IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WA.No. 2971 of 2007

AGAINST THE JUDGMENT IN WPC.26973/2007 Dated 30/10/2007

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APPELLANT/PETITIONER:

K.RAVINDRA KUMAR,
ILLATHUKALAM, OLASSERY P.O.,
PALAKKAD.

BY ADV. SRI.ANIL SIVARAMAN
SRI.HARIKRISHNAN RAVINDRAN

RESPONDENTS/RESPONDENTS:

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1. REGIONAL TRANSPORT AUTHORITY,
   REPRESENTED BY ITS SECRETARY,
   PALAKKAD.

2. THE SECRETARY,
   RTA, PALAKKAD.

3. P.GANGADHARAN,
   S/O. PONNUCHAMY,
   KARALKOTTU HOUSE, THEKKEKUNNAM,
   P.O.KOTTEKKAD, PALAKKAD.

4. STATE TRANSPORT APPELLATE TRIBUNAL,
   ERNAKULAM.

R1, R2, R4 BY SENIOR GOVERNMENT PLEADER SMT. K.MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.M.JOSEPH, J.

W.A.No.2971 of 2007

Dated, this the 17th day of December, 2007

JUDGMENT

K.M.Joseph, J.

The petitioner in the writ petition is the appellant before us. The writ petition was filed seeking a direction to respondents 1 and 2 to consider and pass orders on Exts.P3 and P4 representations and to declare that no new permit can be issued in the route appended to Ext.P2 notification pending finalisation of the same. The petitioner is a Stage Carriage operator on the route Palakkad-Malampuzha. The case of the appellant was that prior to the issuance of permit to the third respondent, Ext.P2 notification came into force prohibiting entry of private operators on the route appended to the notification and that overlooking this and overruling the objections raised, Ext.P1 regular permit was granted to the third respondent subject to settlement of timings.

(2). The learned Single Judge took the view that since the permit has been granted and issued, and the service has been in operation, the remedy of the petitioner is to prefer a revision under Section 90 of the Motor Vehicles Act.

(3). The appellant challenges the findings of the learned Single Judge. According to the appellant, there is no alternative remedy in the instant case. It is his contention that, the learned Single Judge ought to have directed Exts.P3 and P4 representations to be considered on merits.

(4). Heard the learned counsel appearing for the appellant. We would notice that actually the permit was issued to the party respondent in this case pursuant to Ext.R3 (c) judgment rendered by the learned Single

Judge in W.P.(C) No.2535 of 2007, wherein the Single Judge disposed of the writ petition filed by the party respondent which reads as follows:

> *"I heard the learned Government Pleader appearing for the respondent also. It is submitted on behalf of the respondent that steps have already been taken to convene the timing conference. The Writ Petition is disposed of directing the respondent to settle the time schedule and issue the permit granted as per Ext.P2 as expeditiously as possible at any rate, within two months from the date of receipt of a copy of this judgment."*

(5). We would think that in so far as the permit has been issued to the party respondent pursuant to the direction of this Court and operation of service has taken place, it is not open to the petitioner to seek consideration of his representations against the grant of permit. There will be no authority, in fact, to direct to consider the representations in view of the direction contained in Ext R3(c). Pursuant to the direction permit has been issued and timings settled. There is no merit in the writ appeal and it is dismissed.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.M.JOSEPH)
JUDGE

MS